

Adopted	Rejected
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## COMMITTEE REPORT

YES:	22
NO:	0

### MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 5, line 10, delete "expiration date" and insert "**end**".
- 2 Page 5, line 11, delete "license." and insert "**fiscal year**".
- 3 Page 5, delete lines 27 through 42, begin a new paragraph and
- 4 insert:
- 5 "SECTION 4. IC 26-3-7-6, AS AMENDED BY P.L.207-2007,
- 6 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2009]: Sec. 6. (a) The agency may issue the following
- 8 licenses:
- 9 (1) A grain bank license may be issued to a person that:
- 10 (A) stores only grain bank grain;
- 11 (B) has a storage capacity of not more than fifty thousand
- 12 (50,000) bushels of grain; and
- 13 (C) purchases less than fifty thousand (50,000) bushels of

- 1 grain per year.
- 2 (2) A warehouse license may be issued to a person that:
- 3 (A) stores grain for hire; and
- 4 (B) purchases less than fifty thousand (50,000) bushels of
- 5 grain per year.
- 6 (3) A grain buyer license may be issued to a person that:
- 7 (A) purchases annually at least fifty thousand (50,000) bushels
- 8 of grain that are not for the sole purpose of feeding the
- 9 person's own livestock or poultry;
- 10 (B) does not store grain for hire; and
- 11 (C) offers deferred pricing, delayed payments, or contracts
- 12 linked to the commodity futures or commodity options market
- 13 in connection with grain purchases.
- 14 (4) A buyer-warehouse license may be issued to a person that
- 15 operates both as a warehouse and as a grain buyer.
- 16 (b) An applicant shall file with the director a separate application
- 17 for each license or amendment of a license at the times, on the forms,
- 18 and containing the information that the director prescribes.
- 19 (c) An initial application for a license must be accompanied by a
- 20 license fee as follows:
- 21 (1) For a grain bank or for a warehouse or buyer-warehouse with
- 22 a storage capacity of less than two hundred fifty thousand
- 23 (250,000) bushels, two hundred fifty dollars (\$250) for the first
- 24 facility and fifty dollars (\$50) for each additional facility.
- 25 (2) For a warehouse or a buyer-warehouse with a storage capacity
- 26 of at least two hundred fifty thousand (250,000) bushels but less
- 27 than one million (1,000,000) bushels, five hundred dollars (\$500)
- 28 for the first facility and fifty dollars (\$50) for each additional
- 29 facility.
- 30 (3) For a warehouse or a buyer-warehouse with a storage capacity
- 31 of at least one million (1,000,000) bushels but less than ten
- 32 million (10,000,000) bushels, seven hundred fifty dollars (\$750)
- 33 for the first facility and fifty dollars (\$50) for each additional
- 34 facility.
- 35 (4) For a warehouse or buyer-warehouse with a storage capacity
- 36 greater than ten million (10,000,000) bushels, one thousand
- 37 dollars (\$1,000) for the first facility and fifty dollars (\$50) for
- 38 each additional facility.

(5) For a grain buyer, including a grain buyer that is also licensed as a warehouse under the warehouse act, five hundred dollars (\$500) for the first facility and fifty dollars (\$50) for each additional facility.

The director may prorate the initial application fee for a license that is issued at least thirty (30) days after the anniversary date of the licensee's business.

(d) Before the anniversary date of the license, the licensee shall pay an annual fee in an amount equal to the amount required under subsection (c). **The director may prorate the annual application fee for a license that is modified at least thirty (30) days after the anniversary date of the licensee's license.**

(e) A licensee or an applicant for an initial license must have a minimum current asset to current liability ratio of one to one (1:1) or better.

(f) An applicant for an initial license shall submit with the person's application a review level financial statement or better financial statement that reflects the applicant's financial situation on a date not more than fifteen (15) months before the date on which the application is submitted. ~~Not more than ninety (90) days after the end of a licensee's fiscal year, the licensee shall file with the agency a current review level financial statement or better financial statement that reflects the licensee's financial situation for the fiscal year just ended. A financial statement submitted under this section must:~~

~~(1) be prepared by an independent accountant certified under IC 25-2-1;~~

~~(2) comply with generally accepted accounting principles; and~~

~~(3) contain:~~

~~(A) an income statement;~~

~~(B) a balance sheet;~~

~~(C) a statement of cash flow;~~

~~(D) a statement of retained earnings;~~

~~(E) the preparer's notes; and~~

~~(F) other information the agency may require.~~

The director may adopt rules under IC 4-22-2 to allow the agency to accept other substantial supporting documents instead of those listed to determine the financial solvency of the applicant if the director determines that providing the listed documents creates a financial or

- 1 other hardship on the applicant or licensee.
- 2 (g) An application for a license implies a consent to be inspected.
- 3 (h) A person that:
- 4 (1) does not operate a facility used to store grain for hire;
- 5 (2) purchases:
- 6 (A) less than fifty thousand (50,000) bushels of grain per year;
- 7 or
- 8 (B) only grain used for the production of the person's own
- 9 livestock or poultry; and
- 10 (3) does not purchase grain by:
- 11 (A) offering deferred pricing;
- 12 (B) offering delayed payment; or
- 13 (C) offering other contracts;
- 14 that are linked to the commodity futures or commodity options
- 15 market;
- 16 is not required to be licensed.
- 17 (i) Fees collected under this section shall be deposited in the grain
- 18 buyers and warehouse licensing agency license fee fund established by
- 19 section 6.3 of this chapter."
- 20 Delete pages 6 through 7.
- 21 Page 8, delete lines 1 through 17.
- 22 Page 11, line 2, delete "approved by the director." and insert
- 23 **"permitted under the rules of the agency."**
- 24 Page 13, line 2, delete "approved by the director." and insert
- 25 **"permitted under the rules of the agency."**
- 26 Renumber all SECTIONS consecutively.
- (Reference is to HB 1219 as introduced.)

**and when so amended that said bill do pass.**

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Representative Crawford